



March 16, 2012

TO: Mayor and Members of Council
FROM: Denise T. Roth, Interim City Manager *DTR*
SUBJECT: Items for Your Information

IFYI HIGHLIGHTS

- Contact Center Feedback
- Council Small Group Meetings
- Response to Citizen Charles Cherry
- Zoning Commission Meetings
- Subsurface Exploration for Cone-Nealtown Connector
- Grants Report

Contact Center Feedback

Attached is the weekly report generated by our Contact Center for the week of March 5, 2012 through March 11, 2012.

Council Small Group Meetings

For the week of March 9, 2012 through March 15, 2012, there were no small group meetings between City Staff and [more than two but less than five] Councilmembers.

Response to Citizen Charles Cherry

As a follow-up to a letter from Greensboro citizen Charles Cherry, dated March 5, 2012, attached is a copy of the City's response to Mr. Cherry sent via U.S. Mail and email, on March 16, 2012.

Zoning Commission Meetings

Attached is the results of the March 12, 2012 Zoning Commission Meeting.

Subsurface Exploration for Cone-Nealtown Connector

Attached is a memorandum from City Engineer Ted Partrick, dated March 9, 2012, regarding the evaluation of the subsurface conditions at the Cone-Nealtown Connector.

Grants Report

Attached is an updated list of grants for which the City intends to apply that do not require a match. Under the policy adopted by City Council, grants that do not require a match are not required to receive formal Council action.

DTR/mm
Attachments

cc: Office of the City Manager
Global Media

**Public Affairs
Contact Center Weekly Report
Week of 3/5/12 - 3/11/12**

Contact Center

4597 calls answered this week

Top 5 calls by area

Water Resources

Balance Inquiry – 1038

New Sign up – 196

General Info – 145

Cutoff Requests – 100

Payment extensions – 95

Field Operations

Bulk Guidelines – 126

HHW/Transfer/Landfill – 115

Repair Can/Garbage – 67

Electronic Waste pick up- 40

Appliance pick up - 32

All others

Police/Watch Ops/Records – 263

Courts/Sheriff – 78

Privilege License – 46

Guilford Tax Department - 34

GTA - 28

Comments

We received a total of **8** comments this week:

Engineering & Inspections – 1 Comment

- When water heater bursts there should be a city code that if water heater is on the same level with your main floor even if a crawl space, there should be drain line and drain pan to keep water overflow off the main floor to avoid destroying hardwood floor and drywall.

Executive – 1 comment:

- To Mayor and Council - If the current noise issue is really about a few downtown residents (who suddenly realized urban living is louder than Summerfield) and one or two business, why don't these parties sit down like any other neighbors and work out an arrangement? Why must there be a new business-killing citywide ordinance? I'm a liberal Democrat, but even I can see this is an example of misappropriation of government power. I also own an advertising agency in downtown Greensboro. I moved there in 1995. Your approach to a stringent decibel-based rule is counter intuitive to any progress in downtown development, talent recruitment and, indirectly, MY OWN BUSINESS. So where are your "conservative business values" on this?

Field Operations – 1 comment:

- Owner called yesterday morning about excessive trash from a move-out. When she went by the house yesterday afternoon, she found that the trash had been removed. Would like to say thank you, thank you, thank you to the crew that removed this trash for her
- Caller states street sweeping is a waste of tax money. The streets are not dirty and do not need to be swept.
- Customer wanted to pay a compliment [to one of our drivers]. Thanked him for taking the time to get out of his truck to clean up the mess that was made in his yard. Said the driver was very nice.
- Customer wants to thank the contact center rep and the solid waste repair group for the fast service on repairing the lid on her green can she is very pleased with the prompt service
- Thanks for picking up missed items today

Information Technology – 1 Comment

- Frustrated that website does not quickly/easily give the 373-CITY number to call in. Wants it front and center, or at least a "contact us" across the top toolbar (upper right). Feels it is much too hard to find.

Overall

Calls were the normal mix last week, with nothing out of the ordinary.

March 17, 2012

Via U.S. Mail & E-Mail

Mr. Charles E. Cherry
2104 Liberty Valley Road
Greensboro, NC 27406

Re: Your letter and public records request of March 5, 2012

Mr. Cherry:

In response to your public record request contained in your letter of March 5, 2012, the following private citizens serve as members of the ad hoc committee advising the Police Department concerning revision of its arbitrary profiling policy: Professor Bob Davis, Dr. Goldie Wells, Barbara Lawrence and Reverend Clarence Shuford. There is no public record containing a listing of the remaining information about these citizens in response to your request.

To address your requests for information about the "Bias-Based Policing Committee," this committee is not an elected or appointed organization with the City. It is, rather, an ad hoc group of citizens and officers brought together to assist and advise the Police Department in revising and improving the arbitrary profiling policy. It is not a standing board or commission organized to fulfill a specific duty imposed by any statute, regulation or local ordinance. Membership on the committee is determined by Chief Miller or his designated subordinate. Its members include various private citizens with particular knowledge on the topic who are willing to volunteer their time to share that knowledge in a way that constructively advances the goal of continuing to improve the policies and practices of the Police Department.

There is no "tenure" for members of the committee. The committee has no designated meeting schedule and none is required. The committee will meet periodically as needed, scheduled for such times and dates as convenient for its members. The committee has no investigatory or quasi-judicial role and does not take, hear or review complaints. As you are likely aware from your experience having used all exiting avenues to pursue various complaints, the City already has a process for receiving and addressing complaints. Citizens who have brought complaints have many avenues to follow up concerns raised against employees through Department command staff, the Professional Standards Division, the Complaint Review Committee and, if circumstances warrant, the District Attorney's Office.



Once again, the City responds to your complaints against numerous Police Officers as follows:

1. Regarding your complaint against Officer Pinson, the matter has already been investigated and action taken as indicated in a letter the City sent to you previously on September 13, 2011. Attached please see a copy of the letter sent to you in response to this complaint. The City also notes that William L. Hill, the attorney for Officer Pinson, also wrote to you and spoke further to your concerns. A copy of Mr. Hill's letter to you is also attached in response. The City is satisfied that this matter has been fully addressed, and as provided under North Carolina General Statute section 160A-168, all other information and records related to this matter are private and privileged from disclosure. Therefore, the City cannot and will not respond any further to this matter.
2. With regard to your "bias-based complaint of misconduct" alleged against Chief of Police Ken Miller, a review of your "complaint" shows that your allegations lack any merit and no further action will be taken. Chief Miller, the Police Department and the City have on numerous occasions responded to the many allegations you have raised and fully addressed all issues. His last e-mail to you forthrightly stated his view and was in no way discourteous. The City is satisfied that this matter has been fully addressed and will not respond any further.
3. Captain Hinson provided your complaint to the Professional Standards Division. Review of your "complaint" showed that your allegations lacked any merit, and no further action was taken. The City is satisfied that this matter has been fully addressed, and as provided under North Carolina General Statute section 160A-168, all other information and records related to this matter are private and privileged from disclosure. Therefore, the City cannot and will not respond any further to this matter.
4. To address your "complaint" against Councilman Matheny, the City has no duty, process or responsibility for investigating any complaint against an elected member of the City Council. Therefore, the City cannot and will not respond any further to this matter.
5. Regarding your "complaint" against Assistant Chief of Police Crotts for "disclosing" your personnel information to another officer, no investigation has been conducted. Assistant Chief Crotts was authorized to discuss personnel information with members of the Professional Standards Division as part of a personnel investigation as a supervisory member of the Greensboro Police Department. Therefore, your complaint is without merit and needs no further action. The City will not respond any further to this matter.
6. Your complaint against Assistant Chief of Police Holder has already been investigated. Your concerns as they relate to this matter have been fully addressed and a response regarding this complaint was sent to you previously on November 2, 2010. Attached please see a copy of the City's letter responding to you. The City is satisfied that this matter has been fully addressed, and as provided under North Carolina General Statute section 160A-168, all other information



and records related to this matter are private and privileged from disclosure. Therefore, the City cannot and will not respond any further to this matter.

You have raised allegations of misconduct and criminal activity against numerous officers of the Police Department for many months, including serious but meritless charges against many members of its Command Staff. You have reiterated these same charges from the time you were an employee in the Police Department until now. These charges have been repeatedly reviewed, not just by the Professional Standards Division but including the Human Resources Department, the City Attorney's Office, the City Manager's Office and, on at least one occasion, by the Guilford County District Attorney's Office. The allegations you raise contain gross distortion and inaccuracies. The facts which you have repeatedly alleged over more than a year's time give no cause to initiate a further investigation of any other City employee. When a complaint is received, the City reviews the facts and will self-initiate an investigation for possible disciplinary action consistent with its procedures against any employee involved in the complaint, if such action is supported by reasonable cause to believe such employee acted in violation of City's rules of conduct.

However, your repetitious articulation of these matters as "new" complaints against other City employees is a clear indication to this office that you are engaged in conduct which is intended to target individual employees within the City, as well as burden and hinder the City in its service to the public. Therefore, the City considers further complaints of these same matters to cross well into the bounds of abusing City processes for a vexatious purpose. The City will not continue to respond to repeated allegations when past history demonstrates such items to have been thoroughly investigated and resolved.

Finally, concerning your request for public records concerning lawsuits and money paid in defense/litigation/preparation/etc., of these lawsuits and in settlements, some of the documents you have requested do not exist and the City is not obligated to create them in response. Further, you are an adverse party litigant in lawsuits against the City and certain of these requests may pertain to documents that are protected under attorney-client privilege or the attorney work-product doctrine. Those documents will not be produced. To the extent that public records exist which are not otherwise privileged from disclosure and responsive to this request, the City is gathering those records and they will be provided to you in a subsequent response.



Thank you for your attention to this correspondence. If you have any questions or concerns, please do not hesitate to contact me.

Sincerely yours,

Denise Turner Roth
Interim City Manager

DTR/jac

Attachments: Letter from J. Smith to C. Cherry dated Sept. 13, 2011
Letter from W. Hill to C. Cherry dated Oct. 13, 2011
Letter from R. Young to C. Cherry dated Nov. 2, 2010

cc: Michael Speedling, Asst. City Manager
Ken Miller, Chief of Police
Jamiah Waterman, Interim City Attorney
Jim Clark, Police Attorney
Joe Smith, Capt., Professional Standards Division
File



City of Greensboro POLICE



September 13, 2011

Mr. Charles Cherry
2104 Liberty Valley Rd.
Greensboro, NC 27406

Dear Mr. Cherry,

The purpose of this letter is to inform you that your complaint into the actions of Officer G.F. Pinson on August 9, 2011 has been thoroughly investigated by Sergeant A.T. McHenry. Sergeant McHenry's investigation has been completed and forwarded to Captain J.E. Hinson for review.

After careful review, it has been determined that Officer Pinson's actions were in violation of Departmental Directive 1.5.2 (B): Courtesy and therefore a ruling of **sustained** has been assigned to the findings. Appropriate Departmental action has been taken in accordance to Departmental Directive 7.3.8.

Thank you for bringing this to our attention, which provided us an opportunity to clarify such matters. It is always our goal to provide the best possible police service to the community.

In the event you have any questions regarding this matter, please feel free to contact the Professional Standards Division at 336-373-2468. In addition, you have the option of requesting a review of the decision by the Complaint Review Committee. A review can be requested within 30 days of the date of this letter. You may request a review in person, by mail or by telephone; contact information is provided below for your convenience:

**Complaint Review Committee
c/o Greensboro Human Relations Department
300 W. Washington Street, Plaza
P. O. Box 3136
Greensboro, NC 27402-3136
O: (336)373-2038 F: (336)373-2505**

J. Smith, Captain
Professional Standards Division

cc: Human Relations Department
City of Greensboro Legal Department

Greensboro Police Department
300 W. Washington Street • Greensboro, NC 27402
Kenneth C. Miller, Chief of Police

FRAZIER HILL & FURY, R.L.L.P.

ATTORNEYS AND COUNSELLORS AT LAW

500 W. FRIENDLY AVENUE, SUITE 100
GREENSBORO, NORTH CAROLINA 27401

WILLIAM L. HILL
TORIN L. FURY
WILLIAM T. ROZEEL

OF COUNSEL:
JAMES D. SECOR III

C. CLIFFORD FRAZIER, JR.
(1923-2009)

TELEPHONE:
336-378-9411
FACSIMILE:
336-274-7358

MAILING ADDRESS:
POST OFFICE DRAWER 1558
GREENSBORO, NC 27402

October 13, 2011

Charles Cherry
2104 Liberty Valley Road
Greensboro North Carolina, 27406

RE: Officer G.F. Pinson

Dear Mr. Cherry:

Please accept this letter as notice of our representation of Officer G.F. Pinson. We are aware of allegations you have made against Mr. Pinson which are knowingly false.

By way of history, on August 4, 2011, you filed a Complaint with Greensboro City Manager Rashad Young. The salient portions of your Complaint as they relate to Officer Pinson are as follows:

1. Pinson, while in front of other Officers called a young rookie Hispanic Officer, a "wetback." According to you, this incident took place a few months ago.
2. This derogatory, racist name, was offensive to all who witnessed it, and even if it wasn't offensive to someone present, it is clearly a violation [of Departmental Directives].
3. The Hispanic Officer, being a young rookie Officer, and wanting to "fit in" at the GPD didn't complain.
4. You were complaining on behalf of the Hispanic Officer.

You received a letter dated September 13, 2011, from Captain Joe Smith at the Professional Standards Division [PSD], informing you, in part, that after careful review, it was determined that Officer Pinson had violated the Departmental Directive 1.5.2(B)-Courtesy. With the permission of Officer Pinson, I will relay the contents of the PSD Investigation into this matter. I have redacted the name of the other Officer.

First, when interviewed, the subject Officer informed PSD that the comment to which you referred in your "Complaint" occurred approximately two (2) years ago. You

were the Commanding Officer of both the subject Officer and Officer Pinson at that time. A point notably absent from your complaint.

The subject Officer reported to PSD that he and Pinson were in the locker room "playing around and picking on one another." The subject Officer and Pinson were, and still are, good friends who routinely joked with one another. Contrary to your claim, the subject Officer was not offended by the comment as this was locker room banter between two friends.

The subject Officer was **not offended** by the comment. He further stated that if he had been offended, he would have reported it. Contrary to your claim, he did not withhold a complaint to "fit in." In fact, no one complained and you, as Commanding Officer, did not either, given that two friends were joking with each other in a locker room. Officer Pinson relayed a similar recitation of the events as did the subject Officer to PSD. Because this was a locker room, neither Officer intended for their mutual bantering to be heard by 3rd parties.

Despite numerous contacts by Sergeant McHenry, you did not cooperate with the investigation. Perhaps most striking in Sergeant McHenry's Investigation was that the subject Officer stated he **never spoke to you** about this incident **nor did he ever give you the authority** to file a Complaint for him. As the subject Officer never spoke to you about this, your statement with respect to his alleged reasoning for **not** reporting it, is false.

In your Complaint, you omitted the fact that you had **no authority** to complain for the subject Officer, omitted the fact that **you were the Commanding Officer** at the time of this incident, **misreported the timing of the alleged incident** and the circumstances surrounding them. Despite your inherent lack of veracity, Greensboro Police Department still investigated it.

The **counseling** for a Courtesy Violation against Officer Pinson was given to him for the sole reason that a third party, should they have heard the comment and not realizing the relationship between the subject Officer and Officer Pinson, "may" have been offended.

There is no evidence that Officer Pinson harbors any racial feelings, has nor is engaged in any racial conduct toward third-parties/citizens, and your reckless allegations made in public to the City Council are wholly without merit. Officer Pinson has a stellar record, not only as a GPD Officer, but as a Law Enforcement Officer in Florida. He, like other members of the Greensboro Police Department, serve with honor and integrity.

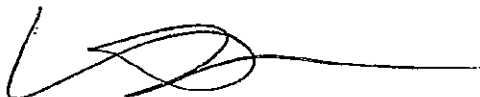
Your public comments that Officer Pinson is a "confirmed racist" [your words] are despicable. Any man with an ounce of self respect would not levy these false allegations against another. By doing so, you appear to be desperately attempting to make yourself relevant while ignoring your own lack of credibility.

You sir, are without credibility or honor. You were justifiably terminated from the Greensboro Police Department upon the recommendation, by a board of five of your peers. We would request that you leave this fine Officer alone. If you continue on this course of action, we will determine what is an appropriate action on Officer Pinson's behalf.

With kind regards, I remain,

Very truly yours,

FRAZIER HILL & FURY, R.L.L.P.

A handwritten signature in black ink, appearing to be 'William L. Hill', with a long horizontal line extending to the right.

William L. Hill



November 2, 2010

Mr. Charles E. Cherry
2104 Liberty Valley Road
Greensboro, NC 27406

Re: Employee Complaint Concerning Alleged Threats of Termination

Dear Mr. Cherry:

I write to address your employee complaint dated June 22, 2010. You alleged that Assistant Chief Holder threatened your employment for discriminatory and retaliatory reasons. In particular, you claim that Chief Holder threatened you with termination if you did not release certain medical records to Dr. Cuttler.

Directive 8.2.4 provides in pertinent part:

During evaluation and subsequent treatment, if deemed necessary, the employee will truthfully answer all questions directed to him and provide complete information and documents deemed necessary by the Department psychologist or any outside consultant to whom the member is referred.

My investigation revealed that Chief Holder reminded you of your responsibility to provide complete information and documents that are deemed necessary by the psychologist. Indeed, your failure to cooperate with a referral for psychological assessment could have subjected you to corrective action, up to and including dismissal from employment. It is entirely appropriate for a supervisor to advise a subordinate of the potential consequences of their behavior.

Next, you allege that Chief Holder said that "you are not going to be here long." My investigation revealed that Chief Holder did not threaten your employment. Rather, she opined that if the administrative charges against you were sustained then your employment may well be in jeopardy. You claim that she also suggested that you pursue a medical retirement. It is not the City's policy or practice to encourage an employee to retire for medical reasons. It is the City's policy to first provide a reasonable accommodation, if possible, so that an employee with a disability may remain employed. I have directed the Human Resources Department to take appropriate steps to remind all supervisors of the City's obligations under our Separation for Disability and Reasonable Accommodations policies. If an accommodation is not possible then a medical retirement may be appropriate. Chief Holder is not a medical professional; and therefore, she should not have recommended or suggested that you pursue a medical retirement. I do believe that her reasons for doing so were not discriminatory or retaliatory.


Charles Cherry
October 28, 2010
Page 2

My investigation did not reveal that Chief Holder threatened your job. She did advise you of the potential consequences if you failed to cooperate with the referral for psychological assessment.

In the second instance, Chief Holder gave her opinion that if the investigations of you revealed violations of departmental directives then your employment could be in jeopardy. I concur with you that it was not appropriate for Chief Holder to have recommended or suggested that you pursue a medical retirement. However, the evidence did not suggest that her motives were discriminatory or retaliatory. In any case, I am directing the Human Resources Department to take steps to remind all supervisors of the City's procedures under our Separation for Disability and Reasonable Accommodation policies.

This reply concludes my review of this matter entirely. You have no additional appeals available regarding this issue.

Sincerely,



Rashad M. Young
City Manager

RMV/mm

cc: Personnel File



March 9, 2012

TO: Denise T. Roth, Interim City Manager

FROM: Ted Partrick, City Engineer

SUBJECT: Subsurface Exploration for Cone-Nealtown Connector

In approximately six weeks, ECS Carolinas will begin performing an evaluation of the subsurface conditions at the Cone-Nealtown Connector. The Nealtown Road extension north of White Street requires a bridge over the North Buffalo Creek, approximately 1,000 feet north of White Street.

Excavation for the Nealtown Rd. extension and bridge approach will extend to a depth of 15 to 20 feet. It will extend approximately 750 feet from a point 200 feet north of White Street all the way to the creek. Much of this excavation will be in an old, unused landfill that pre-dates the current White Street landfill built to the east of this site. Subsurface investigations were performed in April 2005 to determine the extent of the landfill material near the creek and in August 2005 to determine the conditions under the proposed roadway. No obvious environmental problems with the landfill materials were identified at that time.

Prior to completing all the permitting of the roadway and bridge and letting of the contract, Engineering has requested addition testing to verify that there are no concealed environmental issues. These issues can cause delays and additional expenses if they result in unexpected soil remediation. The subsurface exploration and evaluation that will be provided by ECS Carolinas will require some heavy equipment on the site, primarily augers and boring equipment. The site is heavily wooded with no residences nearby.

The Engineering staff and the roadway and bridge consultant, STV/Ralph Whitehead Associates, will be monitoring the work at the site as needed. Due to the location of the work near the White Street landfill and the concerns of the neighborhood about construction in this area, Engineering staff will be prepared to answer inquiries about the nature and purpose of this work.

THP

cc: Michael Speedling – Assistant City Manager
Butch Simmons – Director, Engineering and Inspections
Adam Fischer – Director, Transportation



City of Greensboro Grant Applications Submitted

<u>Grantor</u>	<u>Grants Projects / Description of Purpose</u>	<u>Amount Requested</u>	<u>Department Requesting Funding</u>	<u>Council Notification Date</u>	<u>Status</u>
Target Headquarters	Target Foundation Grant Funds National Night Out national program that brings people together in support of safer communities. National Night Out will be held on August 7, 2012.	\$5,000	Police	March 16, 2012	Approved by Department on 2012-02-29
Community Foundation of Greater Greensboro	Music for a Sunday Evening in the Park offers free outdoor concerts in Parks and Recreation areas or parks throughout Greensboro. The series brings citizens into the community to attend performances by local performers every Sunday from the beginning of June through August.	\$6,500	Parks & Recreation	March 16, 2012	Approved by Department on 2012-02-17